



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 6488-99
4 February 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 26 July 1946 at age 17. The record shows that on 7 May 1947 you were convicted by a general court-martial of an unauthorized absence of about 88 days. The court sentenced you to reduction to apprentice seaman, forfeiture of all pay and allowances, confinement at hard labor for 13 months and a bad conduct discharge. The discharge was suspended for a probationary period of 12 months and you were restored to duty on 29 September 1947. On 11 October 1947 you began another period of unauthorized absence. On 17 December 1947 the Navy was informed that you had been convicted by civil authorities of forgery and were in prison. Subsequently, the Secretary of the Navy directed that your probation be terminated. The bad conduct discharge was issued on 12 February 1948.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contention, in effect, that you have been a good citizen for many years. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your lengthy period of unauthorized absence and especially your violation of probation. The Board concluded that the

discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director